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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/534,880	06/16/2005	Remy Cricco	032326-304	8760

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EXAMINER
VU, MICHAEL T

ART UNIT	PAPER NUMBER
2617	

NOTIFICATION DATE	DELIVERY MODE
09/18/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ADIPFDD@bipc.com

	Application No.	Applicant(s)
Office Action Summary	10/534,880	CRICCO ET AL.
	Examiner	Art Unit	
	MICHAEL T. VU	2617	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 May 2008*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-13* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-13* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
      application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments with respect to claims 1-13 have been considered but are

moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in
section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
such that the subject matter as a whole would have been obvious at the time the invention was made to a
person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived
by the manner in which the invention was made.

3.   Claims 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Sato (US 2002/0056079) in view of Ramaswamy (US 6,571,112).

        Regarding claims 1, 11, 12, and 13, Sato teaches a method for loading an

application from a server (Figure #1, Server #108]), said application (Figure #1,

Application Load Processing Unit #108) including a first part intended for a terminal

provided with an application management means (Figure #1, Data Related to

Application #110, Management means=Database) and a second part intended for a

chip card accepted in the terminal (Figure #1, Client Terminal #112, and Smart Card

#11), the method comprising the following steps: supplying to the terminal a loading

means for loading the second application part in the chip card [0076-0084]; formatting in

the server the second application part so that it is compatible with a protocol for
communication between the terminal [0008-0015, 0048-0056] and the chip card [0008-
0015]; constructing in the server an application message containing the first application
part [0048-0056], and the second formatted application part [0076-0084]; transmitting
the application message from the server to the terminal over a single transmission
channel (Figure #1, [0076-0084]); installing in the terminal the first application part
extracted from the application message via the management means [0087-0096]; and

     But Sato does not clearly teach loading the second application part extracted
from the application message from the terminal into the chip card according to the
predetermined communication protocol under the control of the loading means.

     However, Ramaswamy specifically teach loading the second application part
extracted from the application message from the terminal into the chip card according to
the predetermined communication protocol under the control of the loading means (Col.
1, line 15 to Col. 2, line 31), and (Col. 5, line 40 to Col. 6, line 55).

     Therefore, it would have been obvious to one of ordinary skill in the art at the
time the invention was made to modify Sato, with Ramaswamy's teaching, in order to
allow the mobile terminal to download additional applications into a chip card such as a
Subscriber Identity Module (SIM card).

     Regarding claim 2, Sato and Ramaswamy teach a method according to claim 1,
wherein the application message includes a descriptor of the application includes at
least one identifier of the second application part (Col. 1, line 15 to Col. 2, line 31), and
the management means analyzes the descriptor in the application message received by

the terminal so that the second application part is extracted from the application
message according to the identifier in the analyzed descriptor (Col. 5, line 40 to Col. 6,
line 55) all of Ramaswamy.

Regarding claim 3, Sato and Ramaswamy teach a method according to claim 1,
wherein the loading means is installed in advance in the form of a software module in
the terminal (Col. 5, line 40 to Col. 6, line 55) of Ramaswamy.

Regarding claim 4, Sato and Ramaswamy teach a method according to claim 1,
further comprising the steps of introducing the loading means in the form of a script
during the construction of the application message to be transmitted from the server to
the terminal [0048-0056, 0076-0084] and installing the of the loading means by
extraction of the script in the application message received by the terminal before the
loading of the second application part [0048-0056, 0076-0084] all of Sato.

Regarding claim 5, Sato and Ramaswamy teach a method according to claim 1,
further comprising the steps of introducing of an address of a loading script during the
construction of the application message to be transmitted from the server to the terminal
[0048-0056, 0076-0084], installing of the loading means by extraction of the script
address in the application message received by the terminal [0048-0056, 0076-0084],
and a downloading of the script from the extracted address in the terminal before
loading the second application part (Figure #1, [0048-0056, 0076-0084]) all of Sato.

Regarding claim 6, Sato and Ramaswamy teach a method according to claim 1,
further comprising, after the step of loading the second application part, the step of

deleting the second application part in the terminal (Col. 1, line 42 through Col. 2, line

30) of Ramaswamy.

　　　Regarding claim 7, Sato and Ramaswamy teach a method according to claim 1,

further comprising, after the step of loading the second application part [0048-0056], the

step of transmitting an acknowledgement message from the terminal to the server as

soon as the management means has finished loading of the second application in the

chip card [0048-0056, 0076-0084] all of Sato.

　　　Regarding claim 8, Sato and Ramaswamy teach a method according to claim 1,

wherein the second application part is segmented into protocol units which are in

accordance with the communication protocol [0048-0056] and which are loaded

successively in the chip card under the control of the loading means (Figure #1, 0076-

0084]), and further including the step of transmitting from the chip card an

acknowledgement response after the loading of each protocol unit [0048-0056, 0076-

0094] all of Sato.

　　　Regarding claim 9, Sato and Ramaswamy teach a method according to claim 1,

wherein the first and second application parts are written in high-level languages (Col.

1, line 42 through Col. 2, line 30) and are converted into an intermediate language that

can be interpreted respectively by virtual execution means respectively implemented in

the terminal and the chip card (Col. 1, line 42 through Col. 2, line 30) all of

Ramaswamy.

   Regarding claim 10, Sato and Ramaswamy teach a method according to claim
1, wherein the terminal is a mobile radiotelephone terminal (Figure #1, Client Terminal
#112) of Sato.

Conclusion

4.   Applicant's amendment necessitated the new ground(s) of rejection presented in
this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP
§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37
CFR 1.136(a).

   A shortened statutory period for reply to this final action is set to expire THREE
MONTHS from the mailing date of this action. In the event a first reply is filed within
TWO MONTHS of the mailing date of this final action and the advisory action is not
mailed until after the end of the THREE-MONTH shortened statutory period, then the
shortened statutory period will expire on the date the advisory action is mailed, and any
extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of
the advisory action. In no event, however, will the statutory period for reply expire later
than SIX MONTHS from the date of this final action.

   Any inquiry concerning this communication or earlier communications from the
examiner should be directed to Michael Vu whose telephone number is (571) 272-8131.
The examiner can normally be reached on 8:00am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles N. Appiah can be reached on 571-272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Michael Vu/
Examiner
AU-2617

/Charles N. Appiah/
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